

(3) HIGH-VOLUME THIRD PARTY SELLER.—

(A) IN GENERAL.—The term “high-volume third party seller” means a participant on an online marketplace’s platform who is a third party seller and who, in any continuous 12-month period during the previous 24 months, has entered into 200 or more discrete sales or transactions of new or unused consumer products and an aggregate total of \$7,000 or more in gross revenues.

(B) CLARIFICATION.—For purposes of calculating the number of discrete sales or transactions or the aggregate gross revenues under subparagraph (A), an online marketplace shall only be required to count sales or transactions made through the online marketplace and for which payment was processed by the online marketplace, either directly or through its payment processor.

(4) ONLINE MARKETPLACE.—The term “online marketplace” means any person or entity that operates a consumer-directed electronically based or accessed platform that—

(A) includes features that allow for, facilitate, or enable third party sellers to engage in the sale, purchase, payment, storage, shipping, or delivery of a consumer product in the United States;

(B) is used by one or more third party sellers for such purposes; and

(C) has a contractual or similar relationship with consumers governing their use of the platform to purchase consumer products.

(5) SELLER.—The term “seller” means a person who sells, offers to sell, or contracts to sell a consumer product through an online marketplace’s platform.

(6) THIRD PARTY SELLER.—

(A) IN GENERAL.—The term “third party seller” means any seller, independent of an online marketplace, who sells, offers to sell, or contracts to sell a consumer product in the United States through such online marketplace’s platform.

(B) EXCLUSIONS.—The term “third party seller” does not include, with respect to an online marketplace—

(i) a seller who operates the online marketplace’s platform; or

(ii) a business entity that has—

(I) made available to the general public the entity’s name, business address, and working contact information;

(II) an ongoing contractual relationship with the online marketplace to provide the online marketplace with the manufacture, distribution, wholesaling, or fulfillment of shipments of consumer products; and

(III) provided to the online marketplace identifying information, as described in subsection (a), that has been verified in accordance with that subsection.

(7) VERIFY.—The term “verify” means to confirm information provided to an online marketplace pursuant to this section by the use of one or more methods that enable the online marketplace to reliably determine that any information and documents provided are valid, corresponding to the seller or an individual acting on the seller’s behalf, not misappropriated, and not falsified.

(f) RELATIONSHIP TO STATE LAWS.—No State or political subdivision of a State may establish or continue in effect any law, regulation, rule, requirement, or standard that conflicts with the requirements of this section.

(g) EFFECTIVE DATE.—This section shall take effect 180 days after the date of the enactment of this Act.

SA 2059. Mr. PADILLA (for himself, Mr. LUJÁN, Ms. CORTEZ MASTO, and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Di-

rectorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division F, add the following:

TITLE IV—DEVELOPMENT OF PROGRAM TO SUPPORT PARTNERSHIPS FOR HBCU/MSI/TCU-DESIGNATED INSTITUTIONS

SEC. 6401. FINDINGS.

(a) FINDINGS.—Congress finds the following:

(1) Strengthening the United States research enterprise is critical to our Nation’s leadership in science and technology.

(2) Promoting diversity, equity, and inclusion in the federally funded research pipeline is essential to ensuring the development of scientific breakthroughs that benefit every person of the United States.

(3) Partnerships between institutions of higher education with the highest levels of research activity and historically Black colleges and universities, Tribal Colleges or Universities, or other minority-serving institutions that are committed to the recruitment, retention, and advancement of historically underrepresented populations benefit the United States at large.

(4) The STEM workforce drives forward the United States economy and our global competitiveness.

(5) Federal funding for initiatives that support the development of a diverse research workforce pipeline across institutions of higher education are in the best interest of the United States research enterprise.

(6) Congress believes that Federal science agencies should provide funding to foster collaboration between institutions of higher education to promote a more diverse, equitable, and inclusive research workforce and enterprise.

SEC. 6402. PURPOSE.

The purpose of this title is to provide funding to Federal science agencies for distribution to eligible partnerships that commit resources to collaboration and cooperation with historically Black colleges or universities, Tribal Colleges or Universities, Hispanic-serving institutions, or other minority-serving institutions, including—

(1) programs that help enroll alumni from historically Black colleges or universities, Tribal Colleges or Universities, or other minority-serving institutions in postgraduate programs leading to master or doctoral degrees in STEM disciplines at partner institutions of higher education with the highest levels of research activity;

(2) summer research internship support grants at partner institutions of higher education with the highest levels of research activity;

(3) research projects that include students at historically Black colleges and universities, Tribal Colleges and Universities, or other minority-serving institutions, and at institutions of higher education with the highest levels of research activity; and

(4) competitive grant awards to enhance and expand pathways to the professoriate for underrepresented students.

SEC. 6403. DEFINITIONS.

In this title:

(1) ASIAN AMERICAN AND NATIVE AMERICAN PACIFIC ISLANDER-SERVING INSTITUTION.—The term “Asian American and Native American Pacific Islander-serving institution” has the

meaning given the term in section 320(b) or 371(c)(2) of the Higher Education Act of 1965 (20 U.S.C. 1059g(b) and 1067q(c)(2)).

(2) ELIGIBLE PARTNERSHIP.—The term “eligible partnership” means a partnership that includes—

(A)(i) an institution with the highest levels of research activity; or

(ii) a National Laboratory; and

(B) not less than 1 historically Black college or university, Tribal College or University, or other minority-serving institution.

(3) FEDERAL SCIENCE AGENCY.—The term “Federal science agency” means any Federal agency with at least \$100,000,000 in basic and applied research obligations in fiscal year 2021.

(4) GRANTEE.—The term “grantee” means the legal entity to which a grant is awarded and that is accountable to the Federal Government for the use of the funds provided.

(5) INSTITUTION WITH THE HIGHEST LEVELS OF RESEARCH ACTIVITY.—The term “institution with the highest levels of research activity”, means an institution of higher education that is classified as an R1 University, or successor designation, by the Carnegie Classification of Institutions of Higher Education.

(6) HISPANIC-SERVING INSTITUTION.—The term “Hispanic-serving institution” means an institution of higher education as defined in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a).

(7) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term “historically Black college and university” has the meaning given the term “part B institution” in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(8) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(9) MINORITY-SERVING INSTITUTION.—The term “minority-serving institution” means a historically Black college or university, predominantly Black institution, Hispanic-serving institution, Asian American and Native American Pacific Islander-Serving Institution, or Tribal College or University.

(10) NATIONAL LABORATORY.—The term “National Laboratory” has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(11) PREDOMINANTLY BLACK INSTITUTION.—The term “predominantly Black institution” means—

(A) a Predominantly Black Institution, as defined in section 318(b) of the Higher Education Act of 1965 (20 U.S.C. 1059e(b)); or

(B) a Predominantly Black institution, as defined in section 371(c)(9) of such Act (20 U.S.C. 1067q(c)(9)).

(12) STEM.—The term “STEM” means science, technology, engineering, and mathematics, including computer science and biological and agricultural sciences.

(13) TRIBAL COLLEGE OR UNIVERSITY.—The term “Tribal College or University” has the meaning given the term in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)).

SEC. 6404. DEVELOPMENT OF PROGRAM TO SUPPORT PARTNERSHIPS FOR HISTORICALLY BLACK COLLEGES AND UNIVERSITIES, TRIBAL COLLEGES OR UNIVERSITIES, OR OTHER MINORITY-SERVING INSTITUTIONS.

(a) GRANT PROGRAM AUTHORIZED.—From amounts made available under section 6406, the head of each Federal science agency shall make awards to eligible partnerships in order to support the recruitment, retention, and advancement of underrepresented students in STEM fields, including students who are the first in their families to graduate

from institutions of higher education, veterans, individuals from low-income backgrounds, individuals with disabilities, and women, through activities described in subsection (c).

(b) **COLLABORATION REQUIREMENTS.**—

(1) **JOINT PROPOSAL.**—An eligible partnership desiring a grant under a program described in subsection (a) shall submit a joint proposal representing all members of the eligible partnership to the applicable Federal science agency. The joint proposal shall include a description of the proposed activities to be carried out under the grant.

(2) **COLLABORATION.**—Each eligible partnership shall collaborate across institutions of higher education, including historically Black colleges or universities, Tribal Colleges or Universities, or other minority-serving institutions, in order to develop and carry out the proposed grant activities.

(c) **USE OF FUNDS.**—

(1) **REQUIRED USES.**—Each eligible partnership supported by a grant under subsection (a) shall—

(A) enhance and expand pathways for underrepresented students at historically Black colleges or universities, Tribal Colleges or Universities, or other minority-serving institutions, to enter graduate studies and academia in STEM fields;

(B) remove barriers to entry to the professoriate for such students; and

(C) provide funding to faculty at historically Black colleges or universities, Tribal Colleges or Universities, or other minority-serving institutions to work on the research projects along with their students.

(2) **DISTRIBUTION REQUIREMENT.**—The head of each Federal science agency shall require each grantee to allocate not less than 50 percent of the total grant award received by the eligible partnership to the partner historically Black colleges or universities, Tribal Colleges or Universities, or other minority-serving institutions, in order to carry out the activities supported under the grant.

(d) **NONDUPLICATION.**—An eligible partnership desiring a grant under a program described in subsection (a) shall not submit the same proposal to multiple Federal science agencies.

SEC. 6405. REPORTING.

The head of each Federal science agency shall conduct or support studies, which shall include longitudinal studies, that follow the progress of undergraduate students participating in activities supported under this title and report—

(1) the number of such students, in the aggregate and disaggregated by categories of underrepresented students in STEM field, who pursue STEM graduate studies and professions as a result of such activities; and

(2) information regarding the benefits provided to such students as a result of the activities.

SEC. 6406. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There is authorized to be appropriated to carry out this title \$100,000,000 for fiscal year 2022 and each succeeding fiscal year.

(b) **GAO REPORT.**—Beginning in fiscal year 2022, the Comptroller General of the United States, after consultation with the Secretary of Education on any relevant issue of concern, including at a minimum on the total numbers of qualifying eligible minority serving institutions within each category discussed herein annually, shall prepare and submit to Congress a suggested distribution of funding under this title among all qualifying Federal science agencies that in the first year of the program reflects equitable share as a basis for distribution and that reflects the input of the affected Federal science agencies regarding any allocation methodology to be used in subsequent years.

SA 2060. Mr. LEAHY (for himself and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. —. OWNERSHIP AND ASSIGNMENT OF PATENTS.

(a) **IN GENERAL.**—Section 261 of title 35, United States Code, is amended—

(1) by striking the first undesignated paragraph and inserting the following:

“(a) **IN GENERAL.**—

“(1) **ATTRIBUTES OF PERSONAL PROPERTY.**—Subject to the provisions of this title, patents shall have the attributes of personal property.

“(2) **REGISTER OF ASSIGNMENTS AND OWNERSHIP.**—The Patent and Trademark Office shall maintain a publicly accessible register of interests in patents and applications for patents and shall record any document related thereto upon request, and may require a fee therefor.

“(3) **REQUIREMENT TO RECORD CERTAIN ASSIGNMENTS.**—

“(A) **IN GENERAL.**—Whenever all substantial rights in a patent are assigned to a person, including a legal or governmental entity or a parent corporation—

“(i) the patentee shall, not later than 90 days after the date of the assignment, submit a request described in paragraph (2) with respect to the assignment; and

“(ii) the Patent and Trademark Office shall, upon receiving the request submitted under clause (i), record the assignment in the register described in paragraph (2).

“(B) **EFFECT OF FAILURE TO COMPLY.**—During any period in which the requirements of subparagraph (A)(i) are not satisfied with respect to a patent to which this paragraph applies, no party may recover, for the infringement of that patent in any action, increased damages under section 284.

“(C) **RULES.**—The Director may prescribe rules to implement this paragraph, including rules for the proper recording of the assignments of patents.”;

(2) in the first undesignated paragraph following subsection (a), as so designated by paragraph (1) of this subsection, by striking “Applications” and inserting the following:

“(b) **APPLICATIONS.**—Applications”;

(3) in the first undesignated paragraph following subsection (b), as so designated by paragraph (2) of this subsection, by striking “A certificate” and inserting the following:

“(c) **CERTIFICATE OF ACKNOWLEDGMENT.**—A certificate”;

(4) in the first undesignated paragraph following subsection (c), as so designated by paragraph (3) of this subsection, by striking “An interest” and inserting the following:

“(d) **EFFECT OF ASSIGNMENT.**—An interest”.

(b) **APPLICABILITY.**—The amendments made by subsection (a) shall apply with respect to any assignment that occurs on or after the date of enactment of this Act.

SA 2061. Mr. KING (for himself and Mr. LANKFORD) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr.

SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III of division B, add the following:

SEC. 2309. PRIORITIZATION AND PROTECTION OF INTERNATIONAL RESEARCH.

(a) **LIST OF ALLIED COUNTRIES.**—The Secretary of State, in consultation with the Director of the Office of Science and Technology Policy, the National Security Council, the Secretary of Energy, the Director of the National Science Foundation and the heads of other relevant agencies, shall create a list of allied countries with which joint international research and cooperation would advance United States national interests and advance scientific knowledge in key technology focus areas.

(b) **ESTABLISHMENT OF SECURITY PROCEDURES.**—The Secretary of State, in consultation with the individuals and entities listed in subsection (a), shall collaborate with similar entities in the countries appearing on the list created pursuant to subsection (a) to develop, coordinate, and agree to general security policies and procedures, consistent with the policies and procedures developed pursuant to sections 2304 and 2305, for governmental, academic, and private sector research, to prevent sensitive research from being disclosed to joint adversaries.

(c) **REPORT.**—Not later than 2 years after the date of the enactment of this Act, the Secretary of State, in consultation with the individuals and entities listed in subsection (a), and allied countries appearing on the list created pursuant to subsection (a), shall submit a report to Congress that identifies the most promising international research ventures that leverage resources and advance research in key technology focus areas.

SA 2062. Mr. SASSE (for himself and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V of division B, add the following:

SEC. 2528. GLOBAL COVID-19 RELIEF PROGRAM.

(a) **SENSE OF THE SENATE.**—It is the sense of the Senate that—

(1) the COVID-19 pandemic is a once-in-a-generation opportunity for the United States to demonstrate global leadership;

(2) the People's Republic of China is engaged in an aggressive vaccine diplomacy game and uses COVID-19 assistance as a coercive tool to secure political and economic gains;

(3) providing other countries with COVID-19 assistance and access to vaccines should be a top priority for the Department of State